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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF ALASKA

BRADLEY DAVIDS,	)	
	)	
Plaintiff,	)	Case No. _____
	)	
vs.	)	
	)	
UNITED STATES OF AMERICA,	)	<b>COMPLAINT FOR</b>
	)	<b>DAMAGES</b>
Defendant.	)	
_____	)	

COMES NOW the Plaintiff, BRADLEY DAVIDS, by and through counsel, William D. Cook, and for his cause of action against Defendant, states and alleges as follows:

**ALLEGATIONS COMMON TO ALL CLAIMS**

1. Plaintiff Bradley Davids, at all times relevant hereto, was a resident of North Pole, in the Fourth Judicial District, State of Alaska.
2. At all times relevant hereto, Bradley Davids was and is an Alaska Native and otherwise a beneficiary of services required to be provided to Alaska Natives by the U.S. Department of Health and Human Services and the

Indian Health Services. Pursuant to its Compact with the U.S. Government and pursuant to enabling resolutions by the Tribes authorizing it to act, the Alaska Native Medical Center, hereinafter ANMC, in Anchorage, Alaska, contracts with the U.S. Government to provide such services, and is otherwise obligated to provide quality and reasonable health care to its beneficiaries, including the Plaintiff.

3. Prior to February 3, 2012, Bradley Davids was a physically active man with a history of prior back surgery, which, over the years, had resurfaced in 2011. In treating for this back pain, injections and medications had failed to alleviate the lumbar problems which were worse at the end of the day. Despite these back problems, Bradley Davids was employed and fully functional.

4. As outlined below, ANMC breached its duty of reasonable care in this matter; its contractors and health care providers working at its neurosurgery department were negligent; resulting in permanent injury to the plaintiff.

5. Upon information or belief, all or most of the practitioners and health care workers named herein, and those that provided care to the plaintiff, on or about February 3, 2012, and at all times relevant to this complaint, were employed, agents of, and working for Alaska Native Medical Center. All or most of such health care workers' and practitioners' activities and work arose from employment with an agency of the U.S., or otherwise pursuant to 25

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C.F.R. 900.192; and all such persons are eligible for Federal Tort Claim Act coverage, pursuant to 28 U.S.C. 2679(d)(1).

6. On or about February 3, 2012, the plaintiff was taken to the operating room at Alaska Native Medical Center where William B. Betts, M.D. and medical staff personnel performed lumbar spine surgery on Bradley Davids.

7. That during this February 3, 2012 operation, Dr. Betts failed to perform bilateral laminotomies or laminectomies as well as partial facetectomies and foraminotomies at L3-4, L4-5, and L5-S1, without removing the appropriate discs at each level bilaterally and without performing posterior interbody fusions at L3-4, L4-5 and L5-S1, followed by pedicle screw rodding/instrumentation/fixation from L3-S1.

8. That during the surgery of February 3, 2012, Dr. Betts and medical personnel failed to appropriately pad and protect certain pressure areas of Plaintiff during the surgery, such that permanent nerve injury occurred during the course of the surgery, while the Plaintiff was anesthetized.

9. That due to such failures as outlined above, claimant now suffers a painful and permanent condition, which includes numbness, weakness and disability in his trunk and extremities which has resulted in lost wages, lost function, and may require additional surgery and treatment.

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**CAUSE OF ACTION: NEGLIGENCE**

10. Plaintiff realleges and incorporates herein as though they were set out in full, all allegations of the preceding paragraphs, and further alleges as follows:

11. Alaska Native Medical Center, through its employees, agents and servants were negligent in their acts and omissions, including, but not limited to, failure to perform procedures; failure to appropriately diagnose and treat; failure to act with a reasonable degree of care; failure to perform necessary procedures; failure to provide adequate treatment; and general failure to act with due care. Such negligence includes a failure to operate a reasonable neurosurgery department, despite a reputation for numerous breaches in the past.

**FIRST CLAIM FOR RELIEF**  
**(MEDICAL MALPRACTICE)**

12. As a direct and proximate result of defendant's negligence, Bradley Davids experienced economic and non-economic damages; loss of work; loss of subsistence; permanent nerve injury; permanent impairment, physical injury, pain and suffering, severe emotional distress, mental anguish and other injury, harm in an amount in excess of \$5,000,000 (five million dollars), the exact amount to be proven at trial.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

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1. Compensatory damages in excess of \$5 million, the exact amount to be determined at trial;
2. For interest, costs and attorney's fees; and
3. For such other and further relief as the Court deems just and proper.

DATED this 21<sup>st</sup> day of November, 2014 at Anchorage, Alaska.



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